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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,604

09/18/2006

Bernard Krauetler

GER -0776

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EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

03/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/564,604	KRAUETLER, BERNARD	
	Examiner	Art Unit	
	David M. Purol	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 13-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01122006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01122006</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The preliminary amendment filed on January 12, 2006 has been entered.
2. The disclosure and/or the drawings are objected to because of the following errors:

On page 5, lines 33-35 refer to the lines V-V and VI-VI, however, the drawings do not illustrate these lines as stated.

On page 7, lines 28 and 35 use the reference numeral 28 to denote both the collar and the external flange. The drawings reflect this inconsistency.

On page 8, line 2 refers to “the window 32” however the figures do not illustrate the element depicted by the reference numeral 32 as being a window and as such it appears that the use of the term “window” in the present context is incorrect.

On page 8, line 7 refers to the flexible material as being welded onto a nut 35 to form the sheath. The drawings do not depict a nut 35 as stated.

On page 8, line 11 recites “sleeve-jointed” for which its intended meaning is not understood.

On page 8, line 15 recites “The locking in translation of” for which its intended meaning is not understood.

On page 8, lines 22 and 23 use the reference numeral 28 to denote two different elements.

On page 8, line 26 recites “Thanks to” which is an improper expression.

On page 10, lines 12-14 refers to “a specific window” for which its intended meaning is not understood. A further explanation is warranted.

On page 10, lines 30-33 refer to a link strut 44 as connecting two stiffening bars 12 for which it is not clear as the structural attributes the struts might comprise which would permit its function. A further explanation is warranted.

Correction is required.

3. In addition to the above noted defects, the drawings are further objected to because the reference numerals are of a poor quality.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-7,9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, lines 2-3 recite "and, first, the stiffening bar and, secondly," which is a confusing statement.

Claim 5, line 3 recites “likely to disengage” which appears to set forth a tentative limitation.

Claim 6, line 3 recites “belonging to each” which is an idiomatic error.

Claim 9, line 2 recites “the shutter has a window” wherein there is discernible structure of a window as claimed.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,6,8,9, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dubbelman et al (U.S. Patent No. 4,938,273). Dubbelman et al disclose a door comprising vertical slides 6-9, a flexible shutter 1,2,14, and a transverse stiffening bar 3,17 having guide devices 15 which are offset relative to the plane of the shutter.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,5,7,10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubbelman et al (U.S. Patent No. 4,938,273) in view of Krafutler (U.S. Patent No.

5,056,579). While Dubbelman et al do not disclose the guide device as having a breakaway or deformation zone, Krafutler disclose a door comprising a guide device 42,43 having a breakaway or deformation zone 422,433, wherein, to incorporate this teaching into the door of Dubbelman et al for its explicit function of avoiding door damage if impacted would have been obvious to one of ordinary skill in the art.

7. Claims 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bretos y Claveria, Goodman, Young, Finnegan, Hinchliff, Lovgren, Heikki, Bragant, Kraeutler '043, 918 and 015, Imhoff et al, Bengtsson et al.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Katherine Mitchell, can be reached at (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M Purol/
David M Purol
Primary Examiner
Art Unit 3634

/D. M. P./
(571) 272-6833
February 24, 2008